(3)

No. 03-467

Supreme Court, U.S.
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OFFICE OF THE CLERK

In The
Supreme Court of the United States

MAMIE L. EDWARDS A/K/A
MAMIE LOU KING AND LEROY KING,

Petitioners,

versus

LYNN GERALD, JR., DIANA GOLDEN, RICHARD M. CAPALBO, KENNETH D. EPSTEIN, HARRY G. ADAMS, COMMUNITY REDEVELOPMENT AGENCY, CITY OF FORT MYERS, UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY, ARNIE WILLIAMS, ROSA S. ESTRADA, STATE OF FLORIDA INSURANCE COMMISSIONER AND TREASURER, LARRY CAMPBELL AND LINDA R. PRATT,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

REPLY BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

Pro Se Petitioners

MAMIE LOU EDWARDS KING AND
LEROY KING
936 Saint Luke Street
Bainbridge, Georgia 39819
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INTRODUCTION OF SUMMARY OF ARGUMENT

The Decisions Of The Eleventh Circuit And District Court Should Not Be Allowed To Stand, Because It Incorrectly Suggests That The Petitioners Do Not Have Equal Protection Of The Law. The Respondents Acted Under The Color Of Official Office And Under The Color Of The State Of Florida Law, To Denied The Petitioners Equal Protection And Due Process Of Law.

The Petitioners Received, Today, 10-23rd.03, Brief For Respondent Universal Property And Casualty Insurance Company. The Respondents' Brief In Opposition To The Petition For Writ Of Certiorari Demonstrates Why The Petition Should Be Granted. Because It Accurately Identifies The Crucial Issues And Illustrates The Confusion Surrounding The Proper Standard Of Homestead Exemption And The Forcing Of Petitioner Mamie Lou King To Be A Defendant In The Original Cause In Broward County, State Of Florida County Court. When She, Were Not Involved With The Transaction Period. Under The State Of Florida Law, That Makes Her, Not Responsible For Her Husband's Petitioner Leroy King, Alleged Debt – Review By This Honorable Supreme Court, Is A Must.

Because Of This, Above Styled Foregoing – *Disputed* And Genuine Issue And Material Fact Of Florida Law, This Confusion In The Applicable Standard, This Honorable Supreme Court Should Directly Address The Application Of The *Equal Protection Clause* To The *Valid Insurance Homeownership Policy Under Homestead Exemption And The Forced Sale Of Same For Debt And With Forcing His Wife To Be A Defendant*, And, To Implementation Of The Clear, Direct Judicial Protection From Same.

The Respondent Harry G. Adams, Fort Myers Community Redevelopment Agency, Knowingly Known Petitioner Mamie Lou Edwards Actually Owned The Rented Duplex Of And At 2730 Lime Street, Fort Myers, Florida. Please See Appendix – Proving Ownership." Our Records Indicate That You Own Property Which Will Be Required For This Project." Plus, The Respondent, Herein And

Hereof Had A Title Searched, Of Which, *Proved* Petitioner Mamie Lou Edwards Owned The Very Property In Question. The Above Styled Foregoing Setforth A Most Clear *Dispute*, Of Which, Prevented The Courts, From Granting The Summary Judgment To *Either Respondents, Because There Is A Genuine Issue And Material Fact Of Law*, With Each Respondents, Universal Property And Casualty Insurance Company, Arnie Williams And Harry G. Adams, Community Redevelopment Agency.

The Courts Dismissal Of The Petitioners' Complaint, Against The Other Respondents Shall Be Argue Against, In The Forecoming Reason To Grant Our Petition For A Writ Of Certiorari To The United States Court Of Appeals, For The Eleventh Circuit.

REASONS FOR GRANTING THE WRIT

ARGUMENT

I. The Court Should Forthwith Exercise Its Soundly, Jurisprudence, Discretionary Jurisdiction, Because The Petitioners Has Surely And Truly Established A Legal Basis For Granting Writ Of Certiorari Review On The Merits.

The Supreme Court Rule 10, Provides That The Court Grants' Certiorari Review On The Merit, Only For Healthy Compelling Legal Causes. Those Legal Causes Are: (A) Resolution Of Conflicts Between Circuits; (B) Resolution Of Conflicts Between A Circuit Court And State Court Of Last Resort On An Important Federal Question; And (C) Prevention Of A Serious Departure From The Accepted And Usual Course Of Judicial Proceeding.

The Supreme Court Rule 10(A)(B)(C) All Of Those Standards Exists Here And Now.

The Petitioners Most Humbly, Prayeth Of This Court To Articulate The Equal Protection Standards That Apply To The Right Of Each And Every Citizen In The State Of Florida, Whom, Participate In Direct Homestead Exemption (Appendix – J.50a-52a) Democracy. Under The

Florida Constitution, Of Which, Prevention Of Homestead Exempted Single Family Resident, From Being A Forced Sale For Debt. (Appendix – 0.62a) Sold Under The Color Of The State Of Florida Law, Seal Of Lee County, Florida County Court Who Did Not Have Venue. (Appendix – N.60a-61a) Broward County, Court, Issued The Writ Of Execution. And, Broward County, The State Of Florida County Court Did Not And Do Not Have Jurisdiction Over Title Homestead Exemption Property. (Appendix – M.59a)

It Applies To Any Forced Sale. Butterworth v. Caggiano, 665 So.2d 56 (Fla. 1992).

Respondent Broward County, Florida County, Court Judge (Appendix – N.60a-61a) Forced Petitioner Mamie Lou King To Be A Defendant And Responsible For Petitioner Leroy King Debt, Of Which, Violate's. *De Long v. Larkin*, (1998, Fla.) 208 So.2d 830. Wife Were Not There To Accept's Respondent Kenneth D. Epstein Fraudulent Practices. *See, e.g., Jones v. Atlas Realty Corp.* (1963 Fla. App. D2) 154 So.2d 905, Cert. Dismd (Fla.) 162 So.2d 251. Please See, e.g., And Compare's *Parrish v. Swearington*, (1980, Fla. App. D1) 379 So.2d 185. (Appendix – X.78a) (Appendix – Y.79a)

Respondent Richard M. Capalbo, Had Respondent Rosa S. Estrada, Deputy Sheriff To Levied On Ms. Lynn Riley's Property, For The Alleged Debt Of The Petitioners – And Respondent Larry Campbell Leon County, Florida Sheriff – To Levied On Our Son Property, For The Alleged Debt Of The Petitioners And Did Selled Both Parcels. (Appendix – R.66a) (Appendix – S.68a) (Appendix – 9.65a)

Such Action And/Or Nonaction Violates The 14th U.S. Const. Amendment. We, The Petitioners Are Not Respondent Richard M. Capalbo, Slaves, Now, Are We? Therefore Respondent Richard M. Capalbo Knowingly Violates The 13th U.S. Const. Amendment Including The 8th U.S. Const. Amendment Against Cruel And Unusual Punishment.

All Of This Has Been Doned Under The State Of Florida Official Office Approval And Under The Color Of The State Of Florida Law. Of Which, Knowingly Violated

The Due Process Of Law, Setforth In The 5th U.S. Cons. Amendment.

Respondents Lynn Gerald, Jr., And Diana Golden, Did Knowingly With Injury Intent To The Petitioners, *Denied*, Receiving Our Complaint, Showing We Had Homestead Exemption Of Our Property, At And Of 2654 Saint Charles Street Fort Myers, Florida (Appendix – U.71a) After, Had And Having *Signed* For The Certified Mail. Such Action And/Or None Judicial Action *Denied* Petitioners Their Avenue To Address Their Legal Grievance, Civil Rights, In Violation Of The 1st U.S. Const. Amendment.

Respondent Insurance Commissioner Tom Gallagher (Appendix – V.72a) Violated Its Very Owned *Laws* Governing Its Requirement In Lawsuits Against Insurance Companies In The State Of Florida (Appendix – W.76a-77a) The Petitioners Never Have Been Served With A Copy Of The Complaint, From And/Or By The Insurance Commissioner's Office As Of Yet, Why?

Respondent Harry G. Adams, Community Redevelopment Agency, Fort Myers, Florida *Had A Title Searched Doned On 2730 Lime Street, Fort Myers, Florida And Found The Ownership Of, Were Petitioner Mamie L. Edwards* (Appendix – T.69a-70a) And Gaved Her $9,000 For A Rented Duplex, That Was Appraised At $54,995 – *And Respondent Has* The Only Copy Of The Appraisal, Because We, Given The Independent Appraisal To Respondent Harry G. Adams, Director, Whom, Said, He Were Not Paying It, And To Take His Offer Or Leave It. Such, Surely, Violated The 5th U.S. Const. Amendment, *For Acting From Official Office, Under The Color Of The State Of Florida Law.* Respondent, Defendant, Universal Property And Casualty Insurance Company's *Motion For Enlargement Of Time*[1] (Appendix – VV.90a-94a)

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[1] *Due To Clerical Error On The Part Of This Defendant, This Pleading Was Initially And Inadvertently Mailed On August 21, 2001 To The Incorrect State Courthouse In Ft. Myers Located At The Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901.*

(Continued on following page)

Respondent, Defendant Universal Property And Casualty Insurance Company, Arnie Williams Has Breached The Written Homeownership Insurance With The Petitioners, Fully Not Aware Of Validation Of Home Ownership Exemption From Forced Sale For Debt. Of Which, Makes The Insurance Policy – *Valid* – As Of Now.

The Florida Constitution *Provides An Exemption From Forced Sale For The Family Homestead* (See *Williams v. Dorrell*, 714 So.2d 574 (Fla.3d Dca 1998); *In Re Kirby*, 223 B.R. 824 (Bkrtcy. M.D. Fla. 1998). The Constitution Specifically Provides [Fla. Const. Art. X § 4].

42 U.S.C. § 1981-82 Prohibit Racial Discrimination In The Enforcement Of Contracts And In The Purchase And Sale Of Property, Respectively. *42 U.S.C. § 1985(3)* Prohibits Conspiracies To Deprive A Person Or Class Of Persons Of The Equal Protection Of The Law.

II. The Eleventh Circuit Affirmance Of The District Court's Decision In Favor Of Universal Is *Not* Corrected Based Upon The Petitioners Valid Homestead Exempted From Forced Sale For Debt, They The Petitioners Do Have An *Insurable* Clear And Legal *Interest* In The Real Property, Covered By Universal Policy.

Eleventh Circuit Affirmance Of The District Court Decision In Favor Of Harry G. Adams, And Community Redevelopment Agency, Fort Myers Florida Is *Uncorrected* Based Upon The Showing, By The Petitioners' The Disputed Issues And Genuine Issues Of Facts And Material Fact Of Law Against The Respondents.

Despite Inquiries By The Undersigned Counsel With The State Clerk Of Court For Lee County, The Undersigned Has Been Unable To Locate The Original Misdirected Pleading, Defendant Now, Resubmits Its Motion For Enlargement Of Time For Filing With This Correct Court.

The Eleventh Circuit Affirmance Of The District Court's Decisions In Favor Of Respondents Richard M. Capalbo, Et Al. Is Surely And Truly *Not Corrected* Based Upon The Clear And Clean Cause Of Falsify, And Fraud With Forcing Petitioner Mamie Lou King To Be A Defendant To An Issue, She Knew Nothing About, Period.

Honorable Supreme Court, Please Have Counsel For Universal Property And Casualty Insurance Company, Arnie Williams, *To Produce To This Honorable Court, A Copy Of The United States Mailing Postage Meter Dated July 31, 03, A Manila Envelope With Pro Se Litigant Leroy King, 936 Saint Luke Street, Bainbrdige, Ga 39819 – On It.* And Same Applies To Respondents And Counsel For Respondent, On The Timely And/Or Untimely Question Of Jurisdiction.

The Modus Operandi Of Counsels For Respondent Universal Property And Casualty Company Arnie William, Is To *Furnished* Misinformation And Falsed Information To The Courts. Please See For Self (Appendix – VV.90a-94a) Please Compare (Appendix – V.72a-75a).

Counsel For Respondent Universal And Arnie Williams Has Not Served The Petitioners With The *Waiver* As Were Ordered To Do.

The Civil Rights Act Of 1871, Enacted Pursuant To The Enforcement Clause Of The Fourteenth Amendment, And Now Codified At Section 1983 Of Title 42 Of The United States Code, Expressly Provides That "Every Person Who, Under Color Of Any Statute, Ordinance, Regulation, Custom Or Usage Of Any State Or Territory, Subjects Or Causes To Be Subjected Any Citizen Of The United States Or Other Person Within The Jurisdiction Thereof To The Deprivation Of Any Rights, Privileges Or Immunities Procured By The Constitution And Laws Shall Be *Liable* To The Party Injured In An Action At Law, Suit In Equity, Or Other Proper Proceeding." *See:* We, See's.

Counsel's For Universal, Arnie Williams, "Said" The Kings' Rights Under The Policy Were Governed By The Terms Of The Policy Itself And Florida, Not Federal Law.

The Petitioners Begging To Different Theretowith Accordingly To The Forecoming And The Above Foregoing: New Rule Of Law In Violation Of Federal Constitutional Norms, This Court Will Examine The Court's Decision. *See, e.g., Bouie v. City Of Columbia*, 378 U.S. 347, 353-55 (1964); *NAACP v. Alabama Ex Rel. Patterson*, 357 U.S. 449, 455 (1958) (This Court's "Jurisdiction Is Not Defeated If The Nonfederal Ground Relied On By The State Court Is Without Any Fair Or Substantial Support," "In Order That Constitutional Guaranties May Appropriately Be Enforced, [This Court Must Ascertain] Whether The Asserted Non-Federal Ground Independently And Adequately Support The Judgment." (Internal Quotations And Citations Omitted); *Lindsey v. Washington*, 301 U.S. 397, 400 (1937) ("[W]hether The [State-Law] Standards Of Punishment Set Up Before And After The Commission Of An Offense Differ, And Whether The Later Standard Is More Onerous Than The Earlier Within The Meaning Of The Constitutional Prohibition, Are Federal Questions Which This Court Will Determine For Itself." (Citation Omitted)

See Also *Michigan v. Long*, 463 U.S. 1032, 1039 N.4 (1983) ([W]Here The Non-Federal Ground Is So Interwoven With The [Federal Ground] As Not To Be Independent Matter Or Is Not Of Sufficient Breadth To Sustain The Judgment Without Any Decision Of The Other, Our Jurisdiction Is Plain.)" *Terre Haute And Indianapolis R.R. Co. v. Indiana Ex Rel. Ketcham*, 194 U.S. 579, 589 (1904) (To Decline Jurisdiction Because State Court Relied On "Untenable Construction" Of Unconstitutional State Law "Would Open An Easy Method Of Avoiding The Jurisdiction Of This Court").

The Petitioners Cite The Final Review Standard, That The Eleventh Circuit's Decision So Far Departs From The Accepted And Usual Course Of Judicial Proceedings To

Warrant This Court's Supervisory Intervention. *And It Really Does.* Because Everything In The Petition And/Or The Decision Support The Contention.

For As The Eleventh Circuit And Middle District Of Florida Gravely Erred And Departed From The Judicial Norm – Namely:

The Eleventh Circuit *Erred* By Holding The Petitioners *Owned*, Lehigh Acres Unit 1 At 1209 Desoto Avenue, Lehigh Acres, Florida; At The Time Of Levy And Selling Of Same, *Not So*. Please See (Appendix – R.66a-67a) Ms. Lynn Riley, Was And Are The Owner.

The Eleventh Circuit *Erred* By Holding That The Petitioner Leroy King *Owned*, A Parcel Of Real Property In Leon County, Florida Number 3109202-42000. At The Time Of Levy And Selling Of The Parcel, *Not So*. Please See (Appendix – O.65a) Our Son Owned This Parcel Of Real Property, His Name Is Demetrius John Edwards, The Owner.

The Eleventh Circuit *Erred* By Holding That The Petitioners Owned The Duplex, At 2730 Lime Street, Fort Myers, Florida At The Time Of Levy And Selling Of The Same, But We Did Not Owned It. Please See (Appendix – T.69a-70a) The Owner Were And Is, Community Redevelopment Agency, Fort Myers Florida.

The Eleventh Circuit *Erred* By Not Adjudicating The Homestead Exemption From Forced Sale For Debt. The Eleventh Circuit *Erred* By Not Entertaining The Issue, County Courts In Florida Do Not Have Jurisdiction Over Homestead Exempted Title Property.

The Eleventh Circuit *Erred* By Not Ruling On The Fraud And False Advertisement Used By The Respondent Kenneth D. Epstein On The Petitioner Leroy King, About The Car In Question. Please See (Appendix – A.2a-4a) The Eleventh Circuit Court's Order.

We Can See And Do See That The Eleventh Circuit And Middle District Court Of Florida *Did Not* Correctly Concluded On Undisputed Facts, The Complaint Against Respondents Were Dismissed. Respondent Harry G. Adams, Community Redevelopment Agency, Fort Myers,

Florida Were Granted Summary Judgment And Universal Is, Honestly, Legally, Not Entitled To A Summary Judgment, On Account Of Cause Shown.

We, The Petitioners Are Forwarding Copies Hereof, To Each Respectively In The Caption And/Or Their Respectively Counsel, Throughby, Cockle Printing Co., 2311 Douglas Street, Omaha, Nebraska 68102-1283.

CONCLUSION

We, The Petitioners Prayeth For The Disputed Reasons And Conflicted Of True Controlling Law, The Eleventh Circuit Should Be Forthwith Reversed, And The Relief Grant To The Petitioners, As Petitioned For.

Respectfully Submitted,

MAMIE LOU EDWARDS KING
LEROY KING
Pro Se Petitioners
936 Saint Luke Street
Bainbridge, Georgia 39819
Telephone No: 1-229-248-263

THREE APPENDIX HERETO
WITH FOR CLARITY

APPENDIX -VV-

EXHIBIT – PERPETRATOR

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

MAMIE L. EDWARDS
a/k/a MAMIE LOU KING
and LEROY KING,

Plaintiffs,

vs.

LYNN GERALD, JR., CIRCUIT COURT JUDGE, DIANA GOLDEN, CIRCUIT COURT JUDICIAL ASSISTANT, RICHARD M. CAPALBO, ESQ., KENNETH D. EPSTEIN, COMMUNITY REDEVELOPMENT AGENCY; CITY OF FORT MYERS; UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY, HUMPHREY AND WHIDDEN AGENCY, INC., and FLEETWOOD TITLE CORPORATION,

Defendants. /

CASE NO:
2:01-CV-133-FTM-29DNF

DEFENDANT, UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY'S, MOTION FOR ENLARGEMENT OF TIME[1]

(Filed Sep. 6, 2001)

Defendant UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY ("UNIVERSAL"), by and through its undersigned counsel, hereby appears for the limited purpose of filing this Motion for Enlargement of Time and states as follows:

* * *

[1] Due to clerical error on the part of this Defendant, this pleading was initially and inadvertently mailed on August 21, 2001 to the incorrect state courthouse in Ft. Myers located at the Lee County Justice Center, 1700 Monroe Street Fort Meyers, Florida 33901. Despite inquiries by the undersigned counsel with the State Clerk of Court for Lee County, the undersigned has been unable to locate the original misdirected pleading. Defendant now resubmits its Motion for Enlargement of Time for filing with this correct Court.

APPENDIX – ELEVENTH CIRCUIT

[MAKING FUN OF OUR HOMESTEAD EXEMPTION OF PETITIONERS MAMIE LOU EDWARDS KING AND LEROY KING, PLEASE SEE BOTTOM HEREOF, YOUR HONOR.]

* * *

for Universal to whether the district court knowingly accepted perjured testimony. Liberally construing the brief, the plaintiffs fail to present any argument regarding these issues, but rather chronicle the facts of the case. The plaintiffs make the general claim that the "Homestead Exemption"* protected their home at 2654 St. Charles Street from judicial sale. The plaintiffs also make the conclusory statement that the district court erred in granting summary judgment for Universal because there were genuine issues of material fact.

We review a district court's dismissal of a complaint for failing to state a claim *de novo*, accepting the allegations in the complaint as true and construing them in a light most favorable to the plaintiff. *Shands Teaching Hosp. and Clinics, Inc. v. Beech St. Corp.*, 208 F.3d 1308, 1310 (11th Cir. 2000). We also review a district court's grant of summary judgment *de novo*, viewing the evidence in a light most favorable to the non-movant. *Patrick v. Floyd Med. Ctr.*, 201 F.3d 1313, 1315 (11th Cir. 2000). Because the plaintiffs proceed *pro se*, their pleadings and

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* In referring to the "Homestead Exemption," the plaintiffs are apparently referring to the Florida statute that allows a debtor to exempt the value of his home from creditors in a federal bankruptcy proceeding under state law. *See* Fla. Stat. Ann. § 222.01, *et seq.* (West 2002).

brief will be liberally construed. *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998).

* * *

APPENDIX – PROVERING OWNERSHIP

ROETZEL & ANDRESS
A LEGAL PROFESSIONAL ASSOCIATION

DIRECT DIAL NO.: (941) 338-4206

March 9, 2000

Ms. Mamie L. Edwards
2730 Lime Street
Fort Myers, FL 33916

Re: Lot 33 Evans addition (2730 Lime Street, Fort Myers, FL)

Dear Ms. Edwards:

Please be advised that the City of Fort Myers Community Redevelopment Agency is currently planning the construction of a housing project in your area. Our records indicate that you own property which will be required for this project. The purpose of this letter is to advise you of your statutory rights provided by law. If you are not the current owner of the property described on the legal description attached hereto, please advise us so that we may correct our records.

Your statutory rights are contained in Florida Statute 73.091 and 73.092. Copies of these statutory provisions are attached.

The City of Fort Myers Community Redevelopment Agency must acquire your property described as Lot 33, Block 9, Evans Addition Subdivision, Plat Book 1, Page 29, Public Records of Lee County, Florida. Should you wish to review the appraisal report prepared for Lot 33, please contact me. Construction plans may be reviewed at the offices of City of Fort Myers Community Redevelopment

Agency at 3326 Dr. Martin Luther King, Jr. Boulevard, Fort Myers, Florida 33902.

Sincerely,

/s/ Kenneth Jones
Kenneth A. Jones

Enclosures